

Notice of Allowability

Application No.

10/765,555

Examiner

Laura Edwards

Applicant(s)

RUSCHAK ET AL.

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the filing of the application as of 1/27/04.
2. ☒ The allowed claim(s) is/are 13-32 which have been renumbered as claims 1-20 respectively.
3. ☒ The drawings filed on 17 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 012704
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


LAURA EDWARDS
PRIMARY EXAMINER

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-12, drawn to a method, classified in class 427, subclass 428.
- II. Claims 13-32, drawn to an apparatus, classified in class 118, subclass 211.
- III. Claims 33-44, drawn to a computer storage medium, classified in class 700, subclass 123.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used as a printing press for printing ink on individual sheets.

Inventions III and I are deemed independent and distinct inventions. The invention of Group III is to a computer medium or program for executing the process of Group I however, the method of Group I does not require a computer or computer control. The invention of Group I can be controlled mechanically via switches, pneumatic valving, etc. using an operator.

Inventions III and II are deemed independent and distinct inventions. The invention of Group III is to a computer medium or program for executing the process of Group I but is not used to execute the apparatus of Group II nor does the apparatus of Group II require a computer or computer control. The apparatus of Group II can be controlled mechanically via switches, pneumatic valving, etc. using an operator.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Shaw on 11/4/04 a provisional election was made without traverse to prosecute the invention of Group II, claims 13-32. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-12 and 33-44 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the claims:

Claims 1-12 and 33-44 have been cancelled.

Claims 1-12 and 33-44 have been cancelled without prejudice to Applicants' right to file a divisional application.

The following is an examiner's statement of reasons for allowance:

Claims 13-32 are allowable because there is no teaching or suggestion in the prior art of a gravure coating apparatus comprising the combination of a gravure cylinder having an engraved surface; means for causing a web to come into contact with the gravure cylinder in order to form a nip; a doctor blade, positioned prior to the nip, for wiping off excess coating liquid from the engraved surface of the gravure cylinder; a jet or curtain formation means to form a jet or curtain of the coating solution such that the coating solution impinges on and wets the engraved surface of the gravure cylinder; a shroud that encloses the gravure cylinder and the jet or curtain formation means while providing a gap between the shroud and the web, and includes at least one drainage port; one or more zones in an enclosed region for receiving an inert gas, wherein the jet or curtain stably operates within at least one zone having the inert gas; and a gas supply for distributing the inert gas within the one or more zones.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose the state of the art with respect to gravure coating apparatus including a gravure cylinder, doctor, coating applicator, shroud, and gas removal zones: Durham (US 2,022,635), Stouch (US 2,040,961), and Greenhill (US 2,141,978).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura Edwards
Primary Examiner
Art Unit 1734

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November 5, 2004